UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE PATENT TRIAL AND APPEAL BOARD Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc., Petitioners v. GUI Global Products, Ltd., D/B/A Gwee, Patent Owner Case IPR2021-00336 U.S. Patent No. 10,259,021

Patent Owner's Preliminary Response Petition for *Inter Partes* Review of U.S. Patent No. 10,259,021



TABLE OF CONTENTS

I.	INTRODUCTION6		
II.	OVERVIEW OF THE '021 PATENT22		
A.	Overview of the Presently Relevant Disclosure of the '021 Patent22		
III.	OVERVIEW OF KIM29		
A.	Overview of the Presently Relevant Disclosure of Kim,29		
IV.	LEVEL OF ORDINARY SKILL IN THE ART43		
V.	CLAIM CONSTRUCTION43		
VI.	ISUNG HAS FAILED TO PROVE UNPATENTABILITY OVER		
	KIM		
	A.	Kim does not disclose or render obvious "a portable switching device	
		coupled to a portable electronic device; wherein: the switching	
		device and the electronic device are configured to selectively couple	
		to each other employing magnetic force"44	
	B.	Kim does not disclose or render obvious "a first magnet is fully	
		disposed within the electronic device"61	
	C.	Kim does not disclose or render obvious that "the electronic device	
		comprises at least one element selected from the group consisting of	
		beveled edges, ridges, recessed areas, grooves, slots, indented shapes,	



		bumps, raised shapes, and combinations thereof; configured to			
		correspond to complimentary surface elements on the switching			
		device"6	4		
	D.	Kim does not disclose or render obvious that "the portable switching	,		
		device is configured to activate, deactivate or send into hibernation			
		the portable electronic device."	6		
	E.	Kim does not disclose or render obvious "when coupled, the first			
		case functions to protect the second case."6	8		
VII.	SAM	SUNG'S '021 PETITION PROVIDES NO EXPLANATION FOR			
	REC	ONCILING ITS SIMULTANEOUSLY FILED '020 PETITION6	9		
VIII.	THE	FINTIV DISCRETIONARY FACTORS ARE UNNECESSARY			
	TO C	CONSULT DUE TO THE PETITION'S LACK OF MERIT7	0		
IX.	THE	BOARD SHOULD TERMINATE THIS IPR BECAUSE IT			
	FAIL	S UNDER THE APPOINTMENTS AND DUE PROCESS			
	CLA	USES7	0		
X.	CON	CLUSION7	3		
CERTIFICATE OF COMPLIANCE75					
CERTIFICATE OF SERVICE76					



TABLE OF AUTHORITIES

Cases

Apple Inc. v. Fintiv, Inc., IPR 2020-00019, paper 11 (PTAB Mar. 20, 2020)	69
Arthrex, Inc. v. Smith & Nephew, Inc., 941 F.3d 1320 (Fed. Cir. 2019)	70
Belden Inc. v. Berk-Tek LLC, 805 F.3d 1064 (Fed. Cir. 2015)	70
Celgene Corp. v. Peter, 931 F.3d 1342 (Fed. Cir. 2019),	
cert denied, 141 S.Ct. 132 (2020)	71
Doolin Sec. Sav. Bank, F.S.B. v. FDIC, 53 F.3d 1395 (4th Cir. 1995)	71
Dynamic Drinkware, LLC v. Nat'l Graphics, Inc., 800 F.3d 1375	
(Fed. Cir. 2015)	69
Edmond v. United States, 520 U.S. 651 (1997)	70
Fanduel, Inc. v. Interactive Games LLC, 966 F.3d 1334 (Fed. Cir. 2020)	69
Impax Labs., Inc. v. Aventis Pharms., Inc., 468 F.3d 1366 (Fed. Cir. 2006)	50
<i>In re Gleave</i> , 560 F. 3d 1331 (Fed. Cir. 2009)	50
<i>In re Longi</i> , 759 F.2d 887 (Fed. Cir. 1985)	5
In re Magnum Oil Tools Int'l, Ltd., 829 F.3d 1364 (Fed. Cir. 2016)	69
Phillips v. AWH Corp., 415 F.3d 1303 (Fed. Cir. 2005) (en banc)	42
Tumey v. Ohio, 273 U.S. 510 (1927)	71
Worlds Inc. v. Bungie. Inc., 903 F.3d 1237 (Fed. Cir. 2018)	69



IPR2021-00336 U.S. Patent No. 10,259,021

Statutes

35 U.S.C. § 314(a)	69
5 U.S.C. § 556	70
5 U.S.C. 8 7521(a)	71



DOCKET

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time** alerts and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.

